

Amendment No. 1 to SB2364

Ford
Signature of Sponsor

AMEND Senate Bill No. 2364

House Bill No. 2343*

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting all of the language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-11-150, is amended by adding the following as a new subsection (k):

(k)

(1) Any offender arrested for a violation of section 71-6-119, involving physical harm or abuse in which the alleged victim is an adult of advanced age as such terms are defined in section 71-6-102, shall not be released within twelve (12) hours of such arrest if the official authorized to set bail in such case finds that such offender would be a continued threat to the alleged victim if released within such twelve (12) hour period. Such official may, however, release the accused in less than twelve (12) hours if the official determines that sufficient time has or will have elapsed for the victim to be protected.

(2) Such written findings must be attached to the warrant and shall be preserved as a permanent part of the record. The arresting officer shall make official note of the time of the arrest in order to establish the beginning of the twelve-hour period provided for in this subsection.

(3) A person who violates a condition of release imposed pursuant to this section shall be subject to immediate arrest with or without a warrant as provided in section 40-7-103(b). Such a violation shall be punished as contempt of the court imposing the conditions and the bail of such violator may be revoked.

SECTION 2. Tennessee Code Annotated, section 68-11-254(a)(1), is amended by inserting the language and punctuation, "the statewide toll-free number of the division of adult protective services," before the language "and the state Medicaid", and after the language and punctuation "and advocacy network,".

SECTION 3. Tennessee Code Annotated, section 68-11-254(a)(2), is amended by deleting that subdivision in its entirety, and substituting instead the following:

A statement that the resident may file a complaint concerning abuse, neglect, exploitation, misappropriation of resident property in the facility, and noncompliance with the advance directives requirements with the state survey and certification agency; and that a resident may also seek assistance or file a complaint with the division of adult protective services.

SECTION 4. Tennessee Code Annotated, Section 71-6-102(5) is amended by redesignating the existing language as subsection (5)(a), and adding the following as a new subsection (5)(b):

A financial institution is not a caretaker of funds or other assets unless such financial institution has entered into an agreement to act as a trustee of such property or has been appointed by a court of competent jurisdiction to act as a trustee with regard to the property of the adult;

SECTION 5. Tennessee Code Annotated, Section 71-6-120, is amended by adding the following as a new appropriately designated subsection:

A financial institution, officer, director, or employee thereof, shall not be liable in any civil action brought by or on behalf of a disabled adult or elderly person for recovery of damages under this chapter, unless prior to such civil action, the financial institution, officer, director, or employee thereof, shall have been convicted of a violation of Tennessee Code Annotated, Section 71-6-117.

SECTION 6. Tennessee Code Annotated, Title 71, Chapter 6, Part 1, is amended by adding the following as a new appropriately designated section:

(a) All offices of physicians licensed pursuant to title 63, chapters 6 or 9, all health care facilities licensed pursuant to title 68, chapter 11, all senior centers, all community centers and all pharmacies shall post the following in the main public entrance:

(1) contact information including statewide toll-free number of the division of adult protective services, and the number for the local district attorney's office; and

(2) a statement that a person of advanced age who may be the victim of abuse, neglect, or exploitation may seek assistance or file a complaint with the division concerning abuse, neglect, and exploitation.

(b) The information listed in subsection (a) shall be posted on a sign no smaller than eleven inches (11") in width and seventeen inches (17") in height.

(c) All nursing homes, assisted living facilities and any other residential facility licensed by the board of licensing health care facilities shall upon admission provide to each resident the division of adult protective services' statewide toll-free number.

(d) Any licensed nursing home that complies with the requirements of section 68-11-254 shall be exempt from the requirements of subsections (a) and (b).

SECTION 7. Tennessee Code Annotated, Title 71, Chapter 6, Part 1, is amended by adding the following as a new appropriately designated section:

(a) The division of adult protective services of the department of human services shall establish a toll-free telephone service to enable citizens within the state to call the division free of charge to report abuse, neglect, or exploitation and to seek relevant assistance from the division in such matters.

SECTION 8. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 9. This act shall take effect July 1, 2004, except that the provisions of section 6 shall take effect January 1, 2005, the public welfare requiring it.